

REMARKS

Upon entry of the present amendment, the claims in the application are claims 25-29.

The present amendment complies with or overcomes the objections to the abstract, the claim objections, and the 35 USC 112 claim rejections.

35 USC 103 REJECTIONS

Applicant submits that Choi in view of Gabrusnenok does not make obvious:

“An applicator for use in reflexotherapy, comprising:

a **flat elastic** base member;

a plurality of needles fixed in said base member;

each needle comprises a **core**, a sharpened portion, and a **thickened portion**;

said thickened portions are fixed in said base member in such way that the sharpened portions protrude from the base member;

one or more groups of said needles have a partially coated core;

one or more groups of said needles have multilayer coatings **of said core** and sharpened portion;

one or more groups of said needles differ from the other groups by the materials they are produced of or by the coating materials, which have different electrochemical potentials;

said needles and their coatings are fabricated from materials selected from a group comprising steel, copper, chromium, nickel, silver, cobalt, aluminum, magnesium, zinc, tin,

titanium, vanadium, beryllium, gold, platinum, strontium, tellurium or their alloys and oxides;
and

each of said needles is placed on the base member in such way that **adjacent needles are made from materials and/or their alloys with different electrochemical potentials and are designed for contacting an user's skin.**",

as required by amended claim 26. Emphasis added.

Neither reference teaches a flat elastic base member. In contrast, Choi teaches a hard (not elastic) working plate of spherical shape. Gabrusenok fails to teach any base member whatsoever.

Neither reference teaches a needle comprising "**a core**, a sharpened portion, and **a thickened portion**", nor "**thickened portions are fixed in said base member in such way that the sharpened portions protrude from the base member**", nor "**one or more groups of said needles have a partially coated core**", nor "**adjacent needles are made from materials and/or their alloys with different electrochemical potentials and are designed for contacting an user's skin.**"

The OA concedes that Choi does not disclose the needles as being partially coated with a coating. Similarly, Gabrusenok does not disclose the needles as being partially coated with a coating.

The foregoing applies with even greater force to amended dependent claim 25.

The cited references, taken singly or in combination, fail to make obvious:

"An applicator according to claim 26, wherein:

at least a portion of said needles being made with solid and/or **partial coats**; and

in the case of **partial coat** of said needle, **the areas adjoining to their sharpened portions are made of at least two materials which have different electrochemical potentials.**”, as required by amended claim 25. Emphasis added.

In light of the foregoing, applicant respectfully requests reconsideration of the obviousness rejection with a view toward withdrawing same, especially in view of the present amended claims.

Claims 27, 28 and 29 are identical to Canadian claims 1, 2 and 3 of the corresponding Canadian Patent 2,381, 217 (granted April 27, 2010), a copy of which is enclosed herewith.

Conclusion

The application is now believed to be in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner is not convinced that the application is in condition for allowance, it is respectfully requested that the Examiner promptly telephone the undersigned attorney for applicant in an attempt to facilitate the prosecution, and/or to narrow the issues for appeal, if necessary.

Favorable reconsideration is respectfully requested.

Respectfully submitted,

Date: May 15, 2010

/imw/

CUSTOMER 25222

Irving M. Weiner (Reg. 22168)
Attorney for Applicant
Phone: 989-724-7400
Fax: 989-724-7100

